

**ECOLOGY RESPONSE TO  
INSPECTOR'S NOTE OF 25 FEBRUARY 2025**

**LAND WEST OF BRADMORE ROAD AND NORTH OF WYSALL  
ROAD, WYSALL, NOTTINGHAMSHIRE  
(THE APPEAL SITE)**

carried out by



**PREPARED FOR: EXAGEN DEVELOPMENT LTD.**

**MARCH 2026**

**LPA REF: 24/00161/FUL**

**PINS APPEAL REF: APP/P3040/W/25/3375110**



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Client:	Exagen Development Ltd.	Author:	Harry Fox
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	Rebecca Sandey	Tom Clarkson	



## INTRODUCTION

- 1.1.1 This supplemental Ecology Response Note has been prepared on behalf of Exagen Development Ltd ('The Appellant') and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall ('the Appeal Site'). It comprises the Appellant's response to the Inspector's Note to Inquiry dated the 25<sup>th</sup> February 2025, which requested clarification of points concerning otters (Matter 1) and the naming of field parcels within the Appeal Site (Matter 2). It is true and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my true and professional opinions.
- 1.1.2 I am Harry Fox, Associate Director at Clarkson and Woods Ltd (C&W). I am a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) with over 18 years of professional experience. I have a degree in Ecology and have been a member of CIEEM since 2008. My particulars are set out in my earlier Proof of Evidence (CD 8.6.3).

## MATTER 1 – OTTERS

- 1.1.3 In response to **Point 1 of the Inspector's Note**, I am able to confirm that a specific update otter survey was not undertaken in 2025. However, the survey undertaken in August 2025 comprised an update ecological walkover of the whole Appeal Site, including along the banks of the Kingston Brook in the southern parcel. Therefore, the extent of the survey carried out in 2025 covered everything within the red line boundary. The habitats recorded on the Appeal Site were broadly the same as they had been in the original 2022 ecological walkover and 2023 water vole surveys, with no substantive changes in habitat type, condition or layout noted, particularly within the parts of Old Wood South in proximity to the Kingston Brook. Therefore our assessment of the Site's suitability for otters, as reported in the Ecological Impact Assessment submitted with the appeal (CD 3.8), remains as it did in the original Ecological Impact Assessment (CD 2.17).
- 1.1.4 In response to **Point 2 of the Inspector's Note**, I do not feel that it would be necessary to change the evaluation of importance of the species within our impact assessment. It is noted that while we found no evidence of otters within either the original or update Site walkover survey, or within our targeted water vole surveys and Modular River Physical Survey (MoRPh) in 2023, several representations received from members of the public and the local community report that they are confirmed present within the local area, including along the Kingston Brook. While a review of the submitted third party comments on the subject indicate that none of the reports pertain to the Appeal Site directly, it is reasonable to assume connectivity between the waterbodies and watercourses in which they have been sighted and the section of the Kingston Brook present within the Appeal Site. The brook runs through the southern part of the Appeal Site for approximately 125m and measures approximately 3m wide over this distance. Otters are highly territorial and can hold linear territories measuring between 10 and 40km, depending on habitat and competition for resources. Therefore, the Appeal Site is unlikely to support more than a small fraction of a single territory, with the Appeal Site's section of brook likely to be used predominantly for foraging and dispersal, with no evidence (from multiple visits) of the presence of a resting place of any kind, the banks and associated riparian habitat being dominated by open grassland and generally lacking in dense, woody vegetation. Consequently, and considering that we had assumed that otters would be present in the Kingston Brook within our report and put forward appropriate mitigation on this basis, the confirmation of their local presence only serves to validate our original assessment that if present on the Appeal Site they are of Local importance.
- 1.1.5 In response to **Point 3 of the Inspector's Note**, it is not considered necessary to carry out further, targeted baseline otter surveys in response to the third party comments since the Appeal Scheme has been designed assuming their presence, with appropriate precautionary measures (principally the protection of the brook by a fenced 10m construction buffer, with the addition of the measures centring on the bridge works set out in 1.1.7 below) put forward to protect the brook from harm during construction. The EclA and its assessment would therefore not benefit from any update to sections 3.5.28.-33.



- 1.1.6 In response to **Point 4 of the Inspector's Note**, it is standard practice for a scheme of this nature to employ a 10m no-works buffer around all watercourses, which is why it will be implemented here. As we have found no evidence of otter holts over several visits to the Appeal Site, we can assume that the stretch of the brook within the Appeal Site boundary is primarily used for foraging or dispersal, with any resting places for otters occurring beyond this. It is possible that otters will utilise habitats outside of the corridor of the watercourse and its banks but this is typically not observed where surrounding habitat comprises open, short grassland lacking in dense woody vegetation, and where alternative suitable conduits for dispersal are absent. In this instance, the habitat surrounding the stretch of the brook running through the Appeal Site consists of pasture grassland rather than wet woodland or scrubby vegetation, and there is only one viable watercourse (Kingston Brook) with no other suitable tributaries or ditches which are likely to be used by otters. Due to this layout, there would be no reason for otters to leave the main watercourse to disperse to other areas using terrestrial means. Overall, we deem it highly unlikely that otters would leave the riparian habitat of the Kingston Brook into unsuitable habitats, and therefore a construction buffer zone of 10m remains adequate.
- 1.1.7 In response to **Point 5 of the Inspector's Note**, there is already a brick culvert structure crossing the brook at this location which is indicated for removal within the Flood Risk Assessment (CD 3.7) in light of its deterioration and to improve flow characteristics. The intention is for a new clear-span structure to replace it which will require the removal of the existing culvert and installation of new supporting footings at the banktops. This process is anticipated to take around one week to complete, with a reasonable worst-case scenario of two weeks. The working area would most likely cover a c.7m radius around the culvert. While it may be possible to avoid any impact to the channel and bed itself, a reasonable worst-case scenario would see the process potentially involving the temporary damming and overpumping of the water for the duration of the removal of the existing structure. In any case, the limited extent and severity of the works would not preclude or significantly impede the free movement of any otters along the riparian corridor given the presence of the open pasture grassland surrounding it and the fact that works will not be active during the twilight and evening hours within which otters are predominantly active.
- 1.1.8 During bridge installation, it will be necessary to ensure that direct harm or disturbance to otters does not take place. Since bridge installation works can be expected to take place during daylight hours only, and no otter holts or resting places have been recorded during several visits to the brook to date, the likelihood of encountering otters during the works is considered to be very low. Nevertheless, the CEMP (Ecology) - to be secured by Condition 10 - will incorporate the inspection of the existing bridge location and at least 50m up and downstream by an Ecological Clerk of Works (ECoW) prior to the commencement of any works in the location in order to ensure the continued absence of any otters or resting places for otters. One such inspection should take place at least four weeks before commencement of any works in the location to provide an early indication of continued absence, while a further inspection would take place within 24 hours of the works commencing. In addition, infrared 'trail' cameras can be installed at this location in the interim between the two visits to provide further context and clarification. In the unlikely event that a new, active resting place is confirmed at the location of the bridge works (plus a radius of 50m up or downstream), or otters are observed therein at the onset of works, works should cease. In this case, it would be necessary to re-locate the crossing point to a location at least 30m away to avoid causing disturbance during works, with the final location agreed with the ECoW. In this way, avoidance of impacts is possible in the reasonable worst case scenario that a resting place is recorded which would obviate the need for further mitigation or compensation. While it is considered extremely unlikely, and included here for thoroughness, the discovery of a breeding site would require the relocation of the crossing further still (as far as is practically possible) and, potentially, the need to obtain a licence from Natural England to permit activities capable of causing unlawful disturbance, with associated restrictions on the supervision, duration, season and diurnal timing of works. Consequently, with the adoption of the above methods into the CEMP (Ecology), all possible outcomes concerning the presence of otters can be appropriately managed within the Appeal Scheme in accordance with Government guidance<sup>1</sup>. As such, the above paragraph is considered to provide sufficient clarification on **Points 6 and 7 of the Inspector's Note**.
- 1.1.9 The Appellant also wishes to note that within the field containing the bridge, access track and buried cable (Field 9 or 16), it is only these features and no other engineering or infrastructure which is proposed. The nearest solar or battery infrastructure will be within the next fields to the north. The grassland habitat

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<sup>1</sup> <https://www.gov.uk/guidance/otters-advice-for-making-planning-decisions>

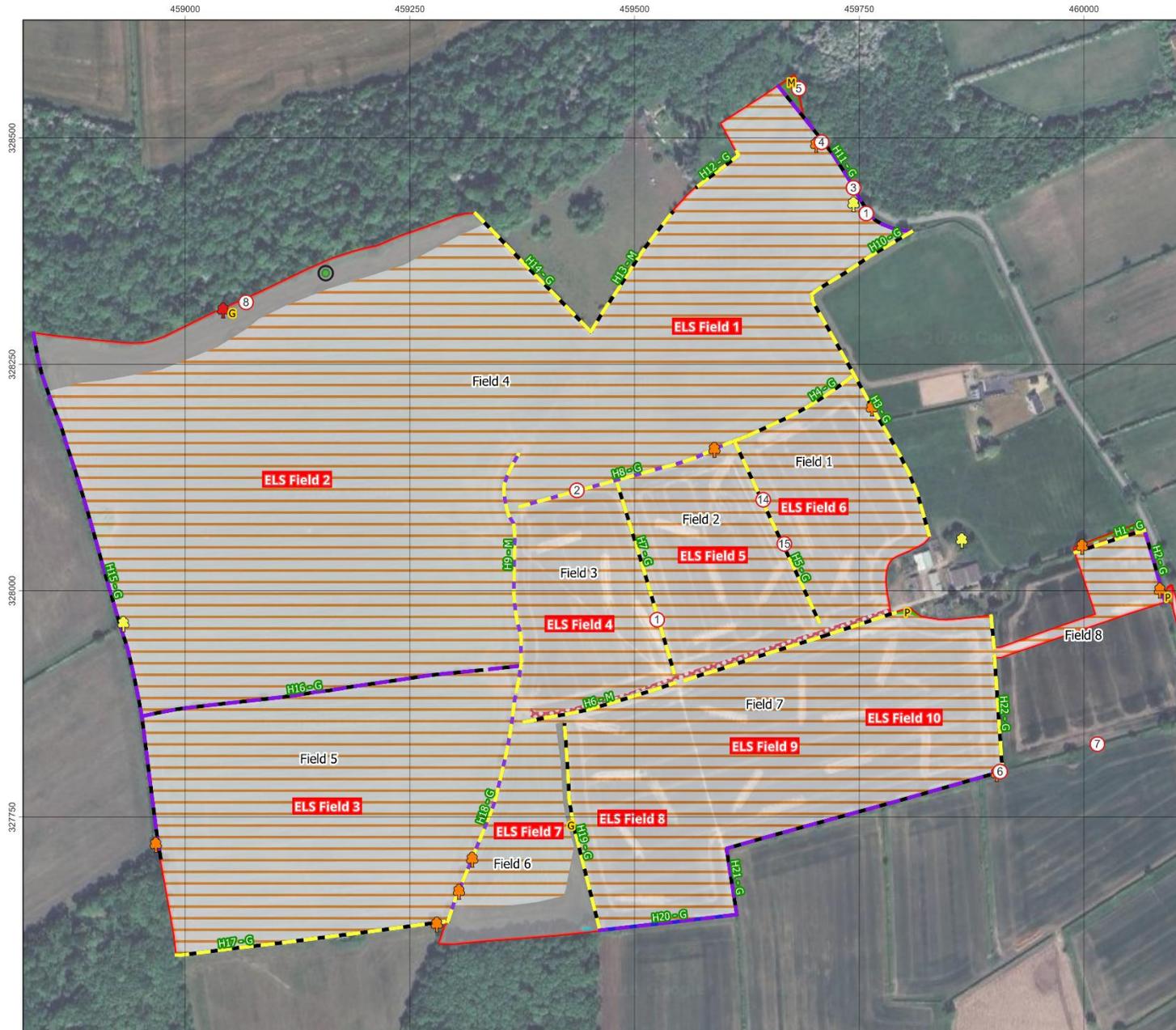


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surrounding the brook will be managed according to the Enhanced Landscape Strategy (CD 3.6) as wet meadow, with new bankside willow planting along the brook. Furthermore, as part of the BNG package there will be an improvement in the condition of the riparian corridor through the reduction in the grazing pressure of the grassland within it, enabling the growth of tall or tussocky grassland and marginal vegetation. Consequently, the Appeal Scheme will likely result in a betterment in terms of the suitability of the riparian corridor for dispersing otters, with an increase in woody bankside vegetation and tall marginal grassland.

## **MATTER 2 - FIELD PARCEL NUMBERING**

- 1.1.10 With respect to the references to field parcels in the updated Ecological Impact Assessment and the numbering in the Enhanced Landscape Strategy (ELS) and Site Layout Plan, please see the following figures which depict both field numbering conventions used for avoidance of confusion. "Field #" etc. refers to the field naming given in all ecological reports and documents prepared in support of the Appeal, while "ELS Field #" refers to field naming used in the ELS. This disparity stems from the decision to maintain continuity of field numbering across all iterations of the report, and subsequent ecological documents, owing to the fact that the initial ecological surveys at the Site pre-dated the design process.



**Title:** Baseline Habitat Plan (1 of 2)

**Project:** Old Wood Solar

**Drawing no.:** v1 **Date:** 03/03/2026

**Legend:**

- Red Line Boundary
- Target Notes
- Target Notes
- Existing Large Rural Tree
- Native hedgerow
- Native hedgerow - associated with bank or ditch
- Species-rich native hedgerow
- Species-rich native hedgerow - associated with bank or ditch
- Artificial unvegetated, unsealed surface
- Cereal crops
- Developed land; sealed surface
- Modified grassland
- Other woodland; broadleaved
- Ponds (non-priority habitat)
- Ruderal/Ephemeral

**Trees with bat roost potential**

- High
- Low
- Moderate

Base Maps: Google, ©2026 Airbus/Maxar Technologies

Co-ordinate system: OSGB36 / British National Grid  
Scale: 1:4000 @ A3

0 80 160 240 m



**Title:** Baseline Habitat Plan (2 of 2)

**Project:** Old Wood Solar

**Drawing no.:** v1      **Date:** 03/03/2026

**Legend:**

- Red Line Boundary
- Target Notes
- Ditches
- Other rivers and streams
- Native hedgerow
- Native hedgerow with trees
- Species-rich native hedgerow
- Cereal crops
- Developed land; sealed surface
- Mixed scrub
- Modified grassland
- Ponds (priority habitat)

**Trees with bat roost potential**

- High
- Moderate

Base Maps: Google, ©2026 Alitbus/Maxar Technologies

Co-ordinate system: OSG836 / British National Grid  
Scale: 1:3000 @ A3

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